

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Roads and Transportation, to which was referred Senate Bill 247, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:

3 "SECTION 1. IC 9-13-2-49.5 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2007]: **Sec. 49.5. "Electronic traffic ticket",**
6 **for purposes of IC 9-30-3, has the meaning set forth in**
7 **IC 9-30-3-2.5."**

8 Page 1, after line 10, begin a new paragraph and insert:

9 "SECTION 3. IC 9-30-3-2.5 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2007]: **Sec. 2.5. (a) As used in this chapter, "electronic traffic**
12 **ticket" means:**

- 13 **(1) a traffic information and summons; or**
14 **(2) a complaint and summons;**

1 for traffic cases that is in an electronic format prescribed by the
2 division of state court administration.

3 (b) An electronic traffic ticket may be referred to as an
4 "e-citation".

5 SECTION 4. IC 9-30-3-5.3 IS ADDED TO THE INDIANA CODE
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2007]: Sec. 5.3. In prescribing the contents of an electronic
8 traffic ticket, the division of state court administration shall
9 require the inclusion in an electronic traffic ticket of the contents
10 required in an information and summons under section 6 of this
11 chapter. The division of state court administration may modify the
12 prescribed contents of an electronic traffic ticket as necessary for
13 the ticket to be in an electronic format.

14 SECTION 5. IC 9-30-3-5.7 IS ADDED TO THE INDIANA CODE
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 2007]: Sec. 5.7. (a) When a law enforcement officer issues an
17 electronic traffic ticket, the law enforcement officer:

18 (1) may print the electronic traffic ticket at the site of the
19 traffic violation; and

20 (2) shall inform the individual to whom the electronic traffic
21 ticket has been issued and note on the electronic traffic ticket
22 whether the individual must appear in court on a specific date
23 at a specific time.

24 (b) An electronic traffic ticket issued under this chapter that
25 bears a printed or digital signature of:

26 (1) the law enforcement officer who issued the electronic
27 traffic ticket; and

28 (2) the prosecuting attorney, or a representative of the office
29 of the prosecuting attorney, of the county in which the
30 electronic traffic ticket was issued;

31 is admissible in a court proceeding as if the signatures referred to
32 in subdivisions (1) and (2) were original signatures.

33 (c) A law enforcement officer who issues an electronic traffic
34 ticket may transmit the electronic traffic ticket to the court
35 electronically if the court and the electronic traffic ticket are in
36 compliance with the administrative rules adopted by the supreme
37 court.

38 (d) A law enforcement officer who issues an electronic traffic

1 ticket shall indicate on the electronic traffic ticket whether the law
 2 enforcement officer served the person receiving the electronic
 3 traffic ticket.

4 (e) The electronic transmission of an electronic traffic ticket
 5 shall be considered by the court as an original certified copy of the
 6 traffic information and summons or complaint and summons. An
 7 electronic traffic ticket may be used:

8 (1) to notify the bureau of an Indiana resident who fails to:

9 (A) appear; or

10 (B) answer a traffic information and summons or
 11 complaint and summons;

12 (2) to notify the bureau of a defendant who is not an Indiana
 13 resident and who fails to:

14 (A) appear; or

15 (B) answer a traffic information and summons;

16 (3) to notify the bureau upon a final determination of a
 17 defendant's failure to appear; or

18 (4) as a record of a traffic case that an individual has been
 19 charged with a traffic offense when:

20 (A) the individual has been convicted;

21 (B) a judgment has been entered; or

22 (C) a finding has been made by a court.

23 SECTION 6. IC 9-30-3-6 IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) **This section does not apply**
 25 **to electronic traffic tickets.**

26 (b) In traffic cases, the information and summons shall be in
 27 substantially the following form:

28 In the _____ Court of _____ County

29 Cause No. _____ Docket No. _____

30 Page No. _____

31 State of Indiana

32 SS: _____ No. _____

33 County of _____

34 INFORMATION AND SUMMONS

35 The undersigned having probable cause to believe and being duly
 36 sworn upon his oath says that:

37 On the _____ Day of _____, 20 ____ at ____ M

38 Name _____

Last	First	Middle
Street _____		
City _____ State _____ Zip Code _____		
Race ____ Sex ____ Age ____ D.O.B. _____ HT ____ WT _____		
Oper. Lic. # _____ St. _____ Did Unlawfully _____		
Operate Veh. Color _____ Veh. Yr. ____ Veh. Make _____		
Veh. Lic. Yr. _____ Veh. Lic. St. _____ Veh. Lic. # _____		
Upon, (Location) _____		

A PUBLIC STREET OR HIGHWAY IN _____		
COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:		

CONTRARY TO THE FORM OF THE () STATE STATUTE		
() LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.		
OFFICER'S SIGNATURE _____		
I.D. No. _____ Div. Dist. _____		
POLICE AGENCY _____		
Subscribed And Sworn to Before Me		
(Deputy Clerk) _____		
This _____ Day of _____, 20 ____		
COURT APPEARANCE		
I PROMISE TO APPEAR IN COURTROOM		

ADDRESS: _____		
ON _____ THE _____ DAY OF _____, 20 ____ AT		
____ M. OR BE SUBJECT TO ARREST.		
SIGNATURE _____		
"YOUR SIGNATURE IS NOT AN ADMISSION OF GUILT"		
<p>The information and summons shall consist of four (4) parts:</p> <p>(1) the original copy, printed on white paper, which shall be the abstract of court record for the Indiana bureau of motor vehicles;</p> <p>(2) the court copy, printed on white paper;</p> <p>(3) the police record, which shall be a copy of the information, printed on pink paper; and</p> <p>(4) the summons copy, printed on white stock.</p> <p>The reverse sides of the information and abstract of court record shall be substantially as follows, with such additions or deletions as are</p>		

1 necessary to adapt the form to the court involved:
 2 RECEIPT # _____
 3 DATE _____
 4 COURT ACTION AND OTHER ORDERS
 5 BAIL \$ _____
 6 REARREST BOND \$ _____ DATE _____
 7 1. CONTINUANCE TO ____ 4. CONTINUANCE TO ____
 8 2. CONTINUANCE TO ____ 5. CONTINUANCE TO ____
 9 3. CONTINUANCE TO ____ 6. CONTINUANCE TO ____
 10 Motions Date Ruling Date
 11 1. ____ ____ ____ ____
 12 2. ____ ____ ____ ____
 13 3. ____ ____ ____ ____
 14 4. ____ ____ ____ ____
 15 PLEA () GUILTY
 16 () NOT GUILTY
 17 FINDING () GUILTY
 18 () NOT GUILTY
 19 THE COURT THEREFORE, ENTERS
 20 THE FOLLOWING ORDER
 21 FINE \$ _____ AMOUNT SUSP. \$ _____
 22 (STATE) \$ _____
 23 COSTS
 24 (CITY) \$ _____
 25 _____ DAYS IN _____ DAYS SUSP.
 26 _____
 27 () RECOMMENDED LICENSE SUSPENDED FOR _____
 28 () PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR
 29 PROBATION
 30 _____
 31 _____
 32 _____
 33 _____
 34 JUDGE: _____
 35 DATE: _____
 36 ATTORNEY FOR DEFENDANT _____
 37 ADDRESS _____ TELEPHONE _____
 38 WITNESSES

1 _____
2 _____

3 The notice, the appearance, the plea of either guilty or not guilty,
4 and the waiver shall be printed on the summons. The trimmed size of
5 the paper and stock on which the form is printed shall be nominally
6 four and one quarter (4 1/4) inches by eight and one quarter (8 1/4)
7 inches.

8 ~~(b)~~ (c) In civil traffic cases, the complaint and summons shall be
9 in substantially the following form:

10 In the _____ Court of _____ County
11 Cause No. _____ Docket No. _____
12 Page No. _____
13 State of Indiana

14 SS: No. _____
15 County of _____

16 COMPLAINT AND SUMMONS

17 The undersigned having probable cause to believe and being duly
18 sworn upon his oath says that:

19 On the _____ Day of _____, 20 ____ at ____ M
20 Name _____
21 Last First Middle
22 Street _____
23 City _____ State _____ Zip Code _____
24 Race ____ Sex ____ Age ____ D.O.B. _____ HT ____ WT ____
25 Oper. Lic. # _____ St. _____ Did Unlawfully
26 Operate Veh. Color _____ Veh. Yr. ____ Veh. Make _____
27 Veh. Lic. Yr. ____ Veh. Lic. St. ____ Veh. Lic. # _____
28 Upon, (Location) _____
29 _____

30 A PUBLIC STREET OR HIGHWAY IN _____
31 COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:
32 _____
33 _____
34 _____

35 CONTRARY TO THE FORM OF THE () STATE STATUTE
36 () LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.
37 OFFICER'S SIGNATURE _____
38 I.D. No. _____ Div. Dist. _____

1 POLICE AGENCY _____
 2 Subscribed And Sworn to Before Me
 3 (Deputy Clerk) _____
 4 This _____ Day of _____, 20 ____
 5 COURT APPEARANCE
 6 I PROMISE TO APPEAR IN _____
 7 COURTROOM _____
 8 ADDRESS: _____
 9 ON _____ THE _____ DAY OF _____, 20 ____
 10 AT __ M. OR BE SUBJECT TO ARREST.
 11 SIGNATURE _____
 12 "YOUR SIGNATURE IS NOT AN ADMISSION OF A VIOLATION"
 13 The complaint and summons shall consist of four (4) parts:
 14 (1) the original copy, printed on white paper, which shall be the
 15 abstract of court record for the Indiana bureau of motor vehicles;
 16 (2) the court copy, printed on white paper;
 17 (3) the police record, which shall be a copy of the complaint,
 18 printed on pink paper; and
 19 (4) the summons copy, printed on white stock.
 20 The reverse sides of the complaint and abstract of court record
 21 shall be substantially as follows, with such additions or deletions as are
 22 necessary to adapt the form to the court involved:
 23 RECEIPT # _____
 24 DATE _____
 25 COURT ACTION AND OTHER ORDERS
 26 BAIL \$ _____
 27 REARREST BOND \$ _____ DATE _____
 28 1. CONTINUANCE TO _____ 4. CONTINUANCE TO _____
 29 2. CONTINUANCE TO _____ 5. CONTINUANCE TO _____
 30 3. CONTINUANCE TO _____ 6. CONTINUANCE TO _____
 31 Motions Date Ruling Date
 32 1. _____
 33 2. _____
 34 3. _____
 35 4. _____
 36 PLEA () ADMIT
 37 () DENY
 38 () NOLO CONTENDERE

1 FINDING () JUDGMENT FOR PLAINTIFF
 2 () JUDGMENT FOR DEFENDANT
 3 THE COURT THEREFORE, ENTERS
 4 THE FOLLOWING ORDER
 5 FINE \$ _____ AMOUNT SUSP. \$ _____
 6 (STATE) \$ _____
 7 COSTS
 8 (CITY) \$ _____
 9 () RECOMMENDED LICENSE SUSPENDED FOR _____
 10 () PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR
 11 PROBATION
 12 _____
 13 _____
 14 _____
 15 _____
 16 _____
 17 JUDGE: _____
 18 DATE: _____
 19 ATTORNEY FOR DEFENDANT _____
 20 ADDRESS _____ TELEPHONE _____
 21 WITNESSES
 22 _____
 23 _____

24 The notice, appearance, plea of either admission, denial, or nolo
 25 contendere shall be printed on the summons. The trimmed size of the
 26 paper and stock on which the form is printed shall be nominally four
 27 and one quarter (4 1/4) inches by eight and one quarter (8 1/4) inches.

28 ~~(c)~~ (d) The complaint form shall be used in traffic cases, whether
 29 the charge is made by a law enforcement officer or by any other person.

30 ~~(d)~~ (e) Each judicial officer or police authority issuing traffic
 31 complaints and summons:

32 (1) is responsible for the disposition of all the traffic complaints
 33 and summons issued under the authority of the officer or
 34 authority; and

35 (2) shall prepare and submit the records and reports relating to the
 36 traffic complaints in the manner and at the time prescribed by
 37 both the state examiner of the state board of accounts and the
 38 bureau.

1 SECTION 7. IC 9-30-3-8 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The court may issue a warrant
3 for the arrest of a defendant who is an Indiana resident and who fails
4 to appear or answer a traffic information and summons or a complaint
5 and summons served upon the defendant. If the warrant is not executed
6 within thirty (30) days after issue, the court shall promptly forward the
7 court copy of the traffic information and summons or complaint and
8 summons to the bureau indicating that the defendant failed to appear
9 in court as ordered. The court shall then mark the case as failure to
10 appear on the court's records.

11 (b) If a defendant who is not an Indiana resident fails to appear or
12 answer a traffic summons served upon the defendant and upon which
13 the information or complaint has been filed thirty (30) days after the
14 return date of the information and summons or complaint and
15 summons, the court shall promptly forward the court copy of the traffic
16 information and summons or complaint and summons to the bureau.
17 The bureau shall notify the motor vehicle commission of the state of
18 the nonresident defendant of the defendant's failure to appear and also
19 of any action taken by the bureau relative to the Indiana driving
20 privileges of the defendant. If the defendant fails to appear or otherwise
21 answer within thirty (30) days, the court shall mark the case as failure
22 to appear on the court's records.

23 (c) If the bureau receives a copy of the traffic information and
24 summons or complaint and summons for failure to appear in court
25 **either on a form prescribed by the bureau or in an electronic**
26 **format prescribed by the division of state court administration**, the
27 bureau shall suspend the driving privileges of the defendant until the
28 defendant appears in court and the case has been disposed of. The
29 order of suspension may be served upon the defendant by mailing the
30 order by first class mail to the defendant at the last address shown for
31 the defendant in the records of the bureau. The order takes effect on the
32 date the order is mailed.

33 (d) For nonresidents of Indiana, the order of suspension shall be
34 mailed to the defendant at the address given to the arresting officer by
35 the defendant as shown by the traffic information or complaint. The
36 order takes effect on the date of mailing. A copy of the order shall also
37 be sent to the motor vehicle bureau of the state of the nonresident
38 defendant. If:

(1) the defendant's failure to appear in court has been certified to the bureau under this chapter; and

(2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of the determination **either in an electronic format or** upon forms prescribed by the bureau. The notification shall be made by the court within ten (10) days after the final determination of the case, and **information from** the original copy of the traffic information and summons or complaint and summons must accompany the notification.

SECTION 8. IC 9-30-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) Before accepting a plea of guilty to a misdemeanor traffic offense, the court shall inform the defendant of the defendant's rights, including the right to:

(1) engage counsel;

(2) a reasonable continuance to engage counsel to subpoena witnesses;

(3) have process issued by the court, without expense to the defendant, to compel the attendance of witnesses in the defendant's behalf;

(4) testify or not to testify in the defendant's own behalf;

(5) a trial by jury; and

(6) appeal.

(b) The court shall inform each defendant charged with a traffic offense other than a nonmoving traffic offense, if the defendant is convicted or judgment is entered against the defendant, that a record of the conviction or judgment will be sent to the bureau or the motor vehicle bureau of the state where the defendant received a license to drive to become a part of the defendant's driving record.

(c) The court shall keep a full record of every case in which a person is charged with a traffic offense other than a nonmoving traffic offense. Within ten (10) days after the conviction, judgment, or forfeiture of security deposit of a person, the court shall forward a copy of the judgment **in an electronic format** or an abstract as prescribed by IC 9-25-6-8. The abstract comprises the original copy of the traffic

1 information and summons or complaint and summons if the conviction,
 2 judgment, or forfeiture of security deposit has been entered on that
 3 copy. However, instead of the original copy, the court may, subject to
 4 the approval of the bureau, send the information **in an electronic**
 5 **format or** in the form of a chemical based, magnetic, or machine
 6 readable media. Records of nonmoving traffic offenses are not required
 7 to be forwarded to the bureau.

8 (d) One (1) year after the abstract has been forwarded, the court may
 9 destroy the remaining court copies of the information and summons or
 10 complaint and summons and related pleadings if an order book entry
 11 of the copy has been made and the original copy has been sent to the
 12 bureau of motor vehicles.

13 (e) Upon the failure of a court officer to comply with subsection (c),
 14 the officer is liable on the officer's official bond for a civil penalty of
 15 one hundred dollars (\$100) accruing to the state, which may be
 16 recovered, together with the costs of the suit, in a civil action brought
 17 by the attorney general in the name of the state on relation of the
 18 attorney general. Each failure by an officer constitutes a separate cause
 19 of action."

20 Renumber all SECTIONS consecutively.

(Reference is to SB 247 as reprinted February 14, 2007.)

and when so amended that said bill do pass.

Representative Austin